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In The
Supreme Court of the United States

ABIGAIL NOEL FISHER,

Petitioner,

v.

UNIVERSITY OF TEXAS AT AUSTIN, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Fifth Circuit

BRIEF OF NATIONAL AND TEXAS LATINO ORGANIZATIONS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

MARISA BONO (*Counsel of Record*)
CELINA MORENO
JOHN PAUL SALMON
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND
110 Broadway, Ste. 300
San Antonio, TX 78205
(210) 224-5476
mbono@maldef.org

JUAN CARTAGENA
JOANNA ELISE CUEVAS INGRAM
LATINOJUSTICE PRLDEF
99 Hudson Street, 14th Floor
New York, NY 10013
(212) 219-3360

COCKLE LEGAL BRIEFS (800) 225-6964
WWW.COCKLELEGALBRIEFS.COM

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INTEREST OF *AMICI CURIAE*[1]

Amici are undergraduate students at The University of Texas at Austin (UT), as well as national, state and local Latino civil rights organizations and associations whose missions include serving the interests of Latino communities. These students and organizations contend that the consideration of race and ethnicity in college admissions remains vital for the advancement of Latinos and, consequently, for the progress of the entire nation. *Amici* have an interest in these proceedings, and all urge affirmance of the decision below. The attached Appendix includes a list and description of *amici*.

SUMMARY OF ARGUMENT

UT is a flagship public university that trains and prepares future leaders in a State that will become majority Latino within a matter of decades. The educational benefits of diversity, including cross-racial and cross-ethnic understandings, are essential to UT's

[1] Pursuant to Rule 37.6, counsel for *amici curiae* state that no counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person or entity other than *amici curiae*, their members, or their counsel has made a monetary contribution to the preparation or submission of this brief. The parties have consented to the filing of this brief, and letters reflecting their consent have been filed with the Clerk.

mission and flow to minority and non-minority students alike. After all, tomorrow's leaders must not only come from a diverse population but must also be able to lead and communicate effectively as part of a multicultural workforce. But UT is hampered from selecting students that contribute to its educational mission and campus diversity, because, by law, it may consider only one factor, class rank, for 75% of its admitted students.

In the face of ever-shifting legislative mandates that result in the mechanical admission of the bulk of UT's freshman class, UT employs a discretionary component that considers applicants holistically and provides a much needed counterbalance to ensure student-body racial and ethnic diversity. UT's method employs race as one modest factor among many to respond to the shortcomings of the State's race neutral policy. The Fifth Circuit appropriately held that UT's limited use of race is thus narrowly tailored.

If successful, UT's blended approach will serve to address the underrepresentation of Latinos in public and private leadership positions and help meet the needs of Texas businesses in today's global economy. UT's plan also breaks down stereotypes and eases racial isolation and hostility that current Latino

students experience on campus. These goals are essential to UT's educational mission.[2]

ARGUMENT

I. UT'S ADMISSION PROGRAM IS NARROWLY TAILORED

After UT implemented race-neutral measures that proved insufficient to achieve diversity, it crafted a blended admissions approach that responds to the shortcoming and uncertainties of the legislated Top Ten Percent Plan (TTP) and evaluates applicants as individuals. UT's undergraduate admissions program is narrowly tailored to obtain the educational benefits of diversity. UT's use of race as a "factor of a factor of a factor of a factor," *see Fisher v. Univ. of Tex. at Austin*, 133 S. Ct. 2411, 2434 (2013) (Ginsburg, J., dissenting), in its blended admissions program thus satisfies strict scrutiny. *See id.* at 2418. UT's admissions program is (1) necessary to achieve the educational benefits of diversity, and (2) ensures that each applicant is evaluated as an individual, where race is not an applicant's defining feature. *See id.* at 2420.

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[2] *Amici* agree that Petitioner has failed to establish standing as UT argues, and this case should be dismissed for lack of jurisdiction. *See* Resp. Br. 17-23. Regardless, Petitioner's case fails on the merits.

A. UT's Blended Approach Is Necessary Because the Race-Neutral Policies Implemented by UT and the Texas Legislature Alone Cannot Achieve Diversity

UT's race-neutral alternatives alone do not achieve diversity because it and the Texas Legislature implemented costly, aggressive, race-neutral policies that failed to achieve student body diversity.

In 1997, the Legislature enacted House Bill 588, which guaranteed admission to UT to Texas high school graduates ranked in the top 10% of their classes. *See* Tex. Educ. Code § 51.803; Tex. H.B. 588, 75th Leg., R.S. (1997). By 2003, 77% of admitted Black students from Texas high schools were admitted under the TTP, as were 82% of Latinos.[3] UT augmented the Legislature's TTP by implementing several race-neutral scholarship and outreach programs directed at low-income and first-generation students. *See Fisher v. Univ. of Tex. at Austin*, 758 F.3d 633, 647-49 (5th Cir. 2014) (describing programs).

The TTP was designed to yield increased numbers of non-traditional and low-income students without sacrificing academic quality. *Compare Grutter v. Bollinger*, 539 U.S. 306, 340 (2003) (concluding that the law school sufficiently considered workable race-neutral alternatives before rejecting those alternatives); *compare also Fullilove v. Klutznick*, 448

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[3] *See* Supplemental Joint Appendix (SJA) 158a.

U.S. 448, 463-67 (1980) (explaining that Congress carefully examined and rejected race-neutral alternatives before adopting race-based set-asides for federal construction grants).[4]

Although the TTP became the main conduit for admission of Latino and Black students to UT, their numbers lagged far behind those of Anglo[5] students. For example, despite UT's and the Legislature's efforts, UT's enrollment of underrepresented minority students did not increase from 1996 to 2002, the last year considered by UT in its Proposal to Consider Race and Ethnicity in Admissions.[6] From 1996 to 2002, Black enrollment decreased from 4% to 3%, while Latino enrollment stagnated at 14%.[7] "Critical mass" cannot be quantified in percentage points; however, these low, steady numbers did not show UT at or moving near a "critical mass" of underrepresented minority students when it implemented its race-conscious admissions policy in 2004. *Cf. Fisher*, 758 F.3d at 668 n.11 (Garza, J., dissenting) (agreeing that UT had not reached a critical mass in 2004).

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[4] *See* UT Office of Admissions, Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin 11 (2010), www.utexas.edu/student/admissions/research/HB588-Report13.pdf (showing TTP-enrolled freshman with a higher mean GPA than non-TTP-enrolled freshman).

[5] The term "Anglo" refers to persons who identify to the U.S. Census Bureau as White and not Hispanic.

[6] *See* SJA 30a.

[7] *See id.*

B. UT's Blended Admissions Approach Counteracts the Shortcomings and Uncertainties of the Legislated TTP

From 2002 to 2008, the year Petitioner applied for admission, Black and Latino enrollment slowly increased through UT's race-neutral efforts and, starting in 2005, through UT's race-conscious holistic review. In 2008, 6% of the enrolled freshman class was Black and 20% was Latino.

Despite these promising trends, UT's race-neutral efforts showed signs of strain. As designed, the TTP precluded UT from considering anything other than class rank, thus impinging on UT's ability to select students that contribute to its educational mission and campus diversity. *See Grutter*, 539 U.S. at 340 (faulting percent plans for precluding individualized assessments); *Gratz v. Bollinger*, 539 U.S. 244, 271 (2003) (noting that the admissions program Justice Powell described did not contemplate that any single characteristic automatically ensured a specific and identifiable contribution to a university's diversity).

Moreover, since its adoption in 1998, the TTP has admitted an increased share of UT's incoming freshman class, thus crowding out holistic assessment of applicants.

Share of UT's Incoming Freshman Class from Texas High Schools Admitted through TTP[8]

1998	41%	2007	71%
1999	45%	2008	81%
2000	47%	2009	86%
2001	51%	2010	87%
2002	54%	2011 (Top 8%)	77%
2003	70%	2012 (Top 9%)	78%
2004	66%	2013 (Top 8%)	80%
2005	69%	2014 (Top 7%)	72.5%
2006	71%		

The TTP's principal limitation – a single, mechanically-applied admission criteria – is conversely a source of student body racial and ethnic diversity. The enrollment of underrepresented minority students has generally tracked the rise of the TTP, and fallen after a legislatively-imposed 75% cap[9] on the TTP at UT that resulted in cutoffs for students below the top

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[8] Data from: SJA 159a; UT, Report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives on the Implementation of SB 175, 81st Legislature for the Period Ending Fall 2014, at 2 (2014), www.utexas.edu/student/admissions/research/SB_175_Report_for_2014.pdf; UT Office of Admissions, Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin 11 (2010).

[9] *See* Tex. Educ. Code § 51.803(a-1); Tex. S.B. 175, 81st Leg., R.S. (2009). The cap falls away after the 2017 admission cycle if a court prohibits UT from considering race in holistic review. *See* Tex. Educ. Code § 51.803(k).

7%, 8%, and 9% of Texas high school graduating classes in recent years.[10]

Black Student Enrollment[11]

1998	3%	2007	6%
1999	4%	2008	6%
2000	4%	2009	5%
2001	3%	2010	6%
2002	3%	2011 (Top 8%)	6%
2003	4%	2012 (Top 9%)	6%
2004	5%	2013 (Top 8%)	5%
2005	5%	2014 (Top 7%)	4%
2006	5%		

Latino Student Enrollment[12]

1998	13%	2007	20%
1999	14%	2008	20%
2000	13%	2009	21%
2001	14%	2010	25%

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[10] *See Fisher*, 758 F.3d at 650-53 (discussing the factors behind that connection).

[11] Data from: SJA 30a, 156a; UT, Report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives on the Implementation of SB 175, 81st Legislature for the Period Ending Fall 2014, at 30 (2014); UT, Report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives on the Implementation of SB 175, 81st Legislature for the Period Ending Fall 2012, at 27 (2012), www.utexas.edu/student/admissions/research/SB_175_Report_for_2012.pdf; UT Office of Admissions, Implementation and Results of the Texas Automatic Admissions Law (HB 588) at The University of Texas at Austin 7 (2010).

[12] Data from the sources identified in footnote 11 *supra*.

2002	14%	2011 (Top 8%)	23%
2003	16%	2012 (Top 9%)	25%
2004	17%	2013 (Top 8%)	25%
2005	18%	2014 (Top 7%)	22%
2006	19%		

In addition to the 75% cap, the Legislature, in 2013, further tweaked the application of the TTP by passing House Bill 5, which limited TTP eligibility to graduating Texas high school seniors who completed, among other coursework, Algebra II, a course that the State does not require for high school graduation.[13] A downside of that rejigging of high school graduation and TTP requirements is the heightened chance that hopeful UT applicants will miss the TTP cutoff, not because of grades, but by choosing the wrong high school math course. Low-income and minority students in under-resourced school districts may especially suffer lower UT admission rates as a result of this restriction.[14]

With its swings in freshman class admissions and recurrent legislative tinkering, the TTP, alone or in combination with other race-neutral programs,

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[13] *See* Tex. Educ. Code § 28.025(b-1)(2).

[14] *See* Aamena Ahmed, *Despite New Law, Algebra II Still a College Requirement*, Texas Tribune, Mar. 4, 2014, http://www.texastribune.org/2014/03/04/algebra-ii-will-still-remain-required-course-most-/ (reporting that a Texas A&M University admissions officer expressed concern that students will incorrectly assume they can gain admission under the default high school graduation plan).

cannot ensure that UT fulfills its mission and achieves a "critical mass" of underrepresented minority students. As one state among 50 "laboratories for experimentation," Texas has chosen to address the "complex policy question" of university student-body diversity with a system of legislatively mandated and campus-discretionary admissions policies. *See Schuette v. Coal. to Defend Affirmative Action, Integration & Immigrant Rights & Fight for Equal. By Any Means Necessary (BAMN)*, 134 S. Ct. 1623, 1630 (2014); *see also Grutter*, 539 U.S. at 327 ("Context matters when reviewing race-based governmental action under the Equal Protection Clause."). That balance of mandated and discretionary admissions evolves with the State's changing needs and aspirations.

The recent legislative changes underscore the ever-shifting gap that UT's holistic admissions plan must fill to bring balance to the admissions process and allow UT to consider a wide array of applicant characteristics that might contribute favorably to the student body, including artistic achievement, leadership, and ability to overcome personal obstacles. In some years, the admissions gap that holistic review must fill is wide (*e.g.*, 59% of enrolled freshmen from Texas high schools admitted under holistic review in 1998); in other years, the gap narrows (*e.g.*, 13% of such students in 2010).[15] UT's holistic admission plan

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[15] *See* SJA 159a; UT, Report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives on

(Continued on following page)

provides a needed counterbalance to the TTP to ensure student-body racial and ethnic diversity even when the TTP is altered, capped, or otherwise restricted by evolving mandates.

C. UT Employs Race as a Limited Factor to Ensure that Student Body Diversity Is Not Crowded Out by the TTP

Under state law, 75% of UT's incoming class is determined based on one factor alone: class rank. UT's holistic admissions plan responds flexibly to an evolving legislative mandate to ensure that, for the remaining 25% of admits, *all* factors that contribute to student body diversity are meaningfully considered. UT considers race in its holistic admissions plan as a "factor of a factor of a factor of a factor." *See Fisher*, 133 S. Ct. at 2434 (Ginsburg, J., dissenting) (quoting *Fisher v. Univ. of Tex. at Austin*, 645 F. Supp. 2d 587, 608 (W.D. Tex. 2009)).[16] Among other factors, UT considers leadership, extracurricular activities,

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the Implementation of SB 175, 81st Legislature for the Period Ending Fall 2014, at 2 (2014).

[16] As the district court described, race is considered among seven special circumstances, which in turn is one of six factors that make up an applicant's personal achievement score. *See Fisher*, 645 F. Supp. 2d at 608. An applicant's personal achievement score, along with two essays, makes up the applicant's Personal Achievement Index (PAI). *See id.* Finally, the PAI is one of the two elements that make up the ultimate AI/PAI score, which determines whether UT offers a non-TTP applicant admission. *See id.*

honors, work experience, and community service.[17] Individualized consideration is preserved throughout the process, and race is not determinative. *Compare Grutter*, 539 U.S. at 392 (Kennedy, J., dissenting) (noting that the University of Michigan Law School's admission plan highlighted race at the most decisive moments).

"There is no constitutional objection to the goal of considering race as one modest factor among many others to achieve diversity." *Id.* at 392-93. UT's holistic admissions plan employs race as one modest factor to ensure racial and non-racial aspects of student body diversity, regardless of the size and composition of the freshman class admitted under the TTP. UT's admissions plan is thus narrowly tailored. *See id.*; *see also Fisher*, 133 S. Ct. at 2419-20; *Grutter*, 539 U.S. at 337-41.

II. CLASSROOM DIVERSITY IS A COMPELLING INTEREST ESSENTIAL TO UT'S MISSION

As the State's flagship public university, UT's mission is to "provide 'superior and comprehensive

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[17] *See* SJA 41a; *see also* Joint Appendix (JA) 324a-25a, 334a (UT's director of admissions averring that, to create a diverse university, UT broadened its definition of merit to include applicants' leadership roles, participation in extracurricular activities, work experiences, service in the community, socioeconomic background, languages spoken at home, and race, among other characteristics).

educational opportunities' and to 'contribute to the advancement of society;'" both goals require student body diversity.[18] Indispensable to UT's mission is the training of the State's leaders to serve a diverse population.[19] Diversity in the student body prepares UT graduates "for an increasingly diverse work force, for civic responsibility in a diverse society, and for entry into professions, where they will need to interact with people of different races, cultures, languages, and backgrounds."[20] All UT students benefit from a robust exchange of ideas and exposure to different cultures.[21] Accordingly, UT strives to provide all of its students with the benefits of diversity, including enhanced cross-racial and cross-ethnic understandings and an environment free of racial, ethnic, and geographic stereotyping.[22]

A. Intra-racial Diversity Is Part of UT's Compelling Interest in Promoting Diversity

UT's interest in "securing diversity's benefits . . . is complex." *See Fisher*, 133 S. Ct. at 2418. Diversity "is not an interest in simple ethnic diversity," or a divvying of seats by "specified percentage[s to] . . .

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[18] *See* No. 11-345 Resp. Br. 5.

[19] *See* JA 253a, 478a-79a; SJA 23a.

[20] *See* JA 479a.

[21] *See* SJA 23a.

[22] *See* JA 479a.

selected ethnic groups." *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 299 (1978) (opinion of Powell, J.). Instead, diversity "encompasses a far broader array of qualifications and characteristics." *See id.* Intra-racial diversity,[23] or the "variety of viewpoints" within racial groups, is one aspect of diversity. *See Grutter*, 539 U.S. at 319-20.[24] Within each racial and ethnic group, students' backgrounds, interests, and experiences vary, and these differences inform each student's individual views and preferences. Exposure to diversity within racial groups helps break down racial stereotypes, and "enables [students] to better understand persons of different races." *Grutter*, 539 U.S. at 330.

B. All Students Benefit From Intra-racial Diversity Among Anglo and Non-Anglo Students

Racial identity is not exclusive to minorities, nor does individualized consideration only benefit racial

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[23] The terms "intra-racial diversity" and "diversity within diversity" are used interchangeably in this brief.

[24] *See also* Devon W. Carbado, *Intraracial Diversity*, 60 UCLA L. Rev. 1130, 1134 (2013) (suggesting that racial diversity is more than "skin deep," and includes the personal background and experiences of individuals in different racial groups); Vinay Harpalani, *Diversity Within Racial Groups and the Constitutionality of Race-Conscious Admissions*, 15 U. Pa. J. Const. L. 463 (2012) (arguing that differences within racial groups provide compelling justification for consideration of race in admissions policies).

minorities. Because Anglo students may also grow up in segregated settings, they too benefit from experiencing diversity within diversity among students from other racial groups.[25] Justice Powell's opinion in *Bakke* underscores an oft-overlooked facet of diversity, namely that "white students in predominantly white institutions enjoy a presumption of intra-racial diversity."[26] *See Bakke*, 438 U.S. at 322-24 (Opinion of Powell, J.) (noting that diversity had long been a tenet in Harvard College admissions, but that it had been limited to intra-racial diversity among white students and that the concept should be expanded to include diversity among and within communities of color in the individualized admissions review process). The number and diversity of Anglo students in predominantly Anglo institutions is so extensive that they are often not acknowledged as their own racial group. As a result, Anglo students have greater latitude to develop their individuality in a largely mono-racial environment without the threat of Anglo racial stereotypes or similar constraints that are

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[25] *See* Christopher Ingraham, *Three Quarters of Whites Don't Have Any Non-white Friends*, Wash. Post, Wonkblog, Nov. 27, 2014, http://www.washingtonpost.com/blogs/wonkblog/wp/2014/08/25/three-quarters-of-whites-dont-have-any-non-white-friends (noting that social networks, meaningful relationships and friendships among Anglos are primarily intra-racial).

[26] Elise C. Boddie, *Critical Mass and the Paradox of Colorblind Individualism in Equal Protection*, 17 U. Pa. J. Const. L. 781, 809 (2015), http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1565&context=jcl (emphasis removed).

often thrust upon racial minorities in predominantly Anglo settings.[27]

However, those Anglo students, isolated in a largely mono-racial, segregated educational environment without exposure to underrepresented minority students, do not benefit from the full range of experiences that will prepare them for a multi-ethnic and multi-racial future in Texas. UT recognizes that tomorrow's leaders must be drawn not only from a diverse population but must also be able to lead a multicultural workforce and to communicate with a diverse electorate."[28] A diverse student body provides a path to future leadership opportunities for underrepresented communities, and also provides an enriched learning environment for all students which prepares them to communicate with, understand, and relate to people who are different from themselves.[29]

This Court has recognized: "The diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single though important element." *Fisher*, 133 S. Ct. at 2418 (citing

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[27] *See* Elise C. Boddie, *Critical Mass and the Paradox of Colorblind Individualism in Equal Protection*, 17 U. Pa. J. Const. L. 781, 809 (2015).

[28] *See* SJA 23a (emphasis added).

[29] *See* Robert C. Post, *The Supreme Court, 2002 Term-Forward: Fashioning the Legal Constitution: Culture, Court, and the Law*, 117 Harv. L. Rev. 4, 60 (2003) (arguing that a diverse learning environment fosters professionalism and good citizenship).

Bakke, 438 U.S. at 315). Contrary to Petitioner's contention that "diversity within diversity" is a post-hoc justification for UT's blended admissions program, a multifaceted conception of diversity has always been at the center of UT's academic goal of diversity and the Court's recognition of the compelling interest in diversity. *See Fisher*, 133 S. Ct. at 2418; *Grutter*, 539 U.S. at 337-41; *Bakke*, 438 U.S. at 314; *cf. Bakke*, 438 U.S. at 324 (appendix to the opinion of Powell, J.) ("[T]he critical criteria are often individual qualities or experience not dependent upon race but sometimes associated with it.").

C. Intra-Racial Diversity Helps Breakdown Racial Stereotypes

Ensuring diversity within diversity helps to dispel racial stereotypes, including the common stereotypes that minorities come from poor, urban neighborhoods, and Anglos come from wealthy suburbs; neither group of students shares uniform experiences and backgrounds.[30] A truly diverse pool of Latino students, for example, includes middle-class and working-class Latinos, Latinos from urban and rural settings, and Latinos who are first-generation Texans and fifth-generation Texans. The same is true for all other students at UT. Exposure to a diverse

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[30] *See* Devon Carbado, *Intraracial Diversity*, 60 UCLA L. Rev. 1130, 1164-65 (2013); Vinay Harpalani, *Diversity Within Racial Groups and the Constitutionality of Race-Conscious Admissions*, 15 U. Pa. J. Const. L. 463, 513 (2012).

group of classmates fosters understanding between individuals of all racial and ethnic groups, including Latinos, and dispels notions that all students of the same racial or ethnic group are the same.

For example, Latinos tend to identify themselves by country of origin or heritage in addition to identifying as "Latino" or "American," and they frequently identify with multiple racial categories, e.g., Black, White or Native American.[31] Of 50.7 million U.S. Latinos, almost two-thirds self identify as being of Mexican origin, and 9% identify as Puerto Rican, the nation's second largest Latino origin group.[32] The 10 largest Latino origin groups (Mexicans, Puerto Ricans,

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[31] *See* Paul Taylor et al., Pew Research Ctr., When Labels Don't Fit: Hispanics and Their Views of Identity (2012), http://www.pewhispanic.org/2012/04/04/whenlabelsdontfithispanicsandtheirviewsofidentity/; *see also* Tanya Hernandez, *Latin at Work: When Color Discrimination Involves More Than Color*, in Shades of Difference: Why Skin Color Matters 236-44 (Evelyn NakanoGlenn, ed. 2009); Patricia Palacios Paredes, *Latinos and The Census: Responding to the Race Question*, 74 Geo. Wash. L. Rev. 146, 147 (2005) (noting that the U.S. Census does not view Latinos as a racial group, thus separating the question of ethnicity and racial background); Carolina Moreno, *This is What it Means to be Afro Latino*, Huffington Post, Feb. 25, 2015, http://www.huntingtonpost.com/2015/02/25/whatitmeanstobeafrolatino_n_6690032.html; Patricia Guadelupe & Suzanne Gamboa, *Afro Latinos' Mixed Identity Can Leave Them Out of the Mix*, NBCNews.com, Feb. 27, 2014, www.nbcnews.com/news/latino/afrolatinosmixedidentitycanleavethemoutmixn37676.

[32] *See* Seth Motel & Eileen Patten, Pew Research Ctr., The 10 Largest Hispanic Origin Groups: Characteristics, Rankings, Top Countries (2012), http://www.pewhispanic.org/2012/06/27.

Cubans, Salvadorans, Dominicans, Guatemalans, Colombians, Hondurans, Ecuadorians, and Peruvians, make up 92% of U.S. Latinos and six of those groups have populations of over a million people.[33]

Intra-racial diversity helps to "construct environments in which students of color feel freer to cultivate and to express their individual identities."[34] The racial and ethnic diversity at a university affects whether students believe they will be treated as an individual or identified primarily as a member of a racial group: "People are most likely to think of themselves in racial group terms in tokenism contexts where the salience of racial groups is high."[35] A small student presence on campus and stereotyping undermine achievement among minority students, making both minority and Anglo students "fear that they are being evaluated negatively as a result of these unpleasant exchanges" that center on stereotypes and mistrust.[36] Such lack of diversity has lasting effects in which both groups isolate themselves from the other, "leading to the very 'balkanizing' effect that equal protection condemns."[37]

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[33] *See id.*

[34] *See* Elise Boddie, *Critical Mass and the Paradox of Colorblind Individualism in Equal Protection*, 17 U. Pa. J. Const. L. 781, 796 (2015).

[35] *See id* at 797.

[36] *See id* 800-01.

[37] *Id.* at 801.

UT's holistic approach to admissions seeks to extend the benefits of intra-racial diversity, which Anglo students currently enjoy, to *all* students. Taking the complex lived experiences of candidates into account will lead to a student body with "the greatest possible variety of backgrounds." *Grutter*, 539 U.S. at 330. A critical mass of diverse students fosters increased awareness for all students of the variations across student groups, debunking stereotypes and reducing racial stigma and isolation once students arrive on campus.

III. UT MUST CREATE DIVERSE PATHWAYS TO LEADERSHIP TO FULFILL ITS MISSION

UT recognizes the need for classroom diversity "to develop the next generation of leadership, with the understanding and expectation that many of the University's graduates will become future leaders of Texas."[38] UT, in its unique role as the state's flagship institution, has embraced its singular responsibility as "a training ground." *See Grutter*, 539 U.S. at 332 (citing *Sweatt v. Painter*, 339 U.S. 629, 634 (1950)). UT alumni are elected officials, ambassadors, superintendents, college presidents, and entrepreneurs. They shape the next generation of K-12 and university students, technology and media industries, and

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[38] JA 365a.

local, state, national and even global policy.[39] Today, notable UT alumni include Texas Governor Greg Abbott, former U.S. Senator Kay Bailey Hutchinson, U.S. Admiral Bob Inman, and broadcast journalist Bill Moyers.[40]

A. Texas Has Experienced Dramatic Demographic Shifts

As the Latino community grows in Texas and nationwide, UT has expanded its mission to emphasize the development of leaders from and for the growing Latino community. Latinos have played a leading role in Texas's 21st-century population boom and now constitute 39% of the state population.[41] The majority of children in Texas is Latino,[42] and the share of Latino applicants to UT will continue to increase. Latinos will comprise the majority population among Texas's 25 to 44-year-olds by 2020, the majority of 45 to 64-year-olds by 2030, and the majority of adults age 65 and older by 2050.[43] Thus, most

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[39] *See* Texas Exes, Distinguished Alumnus Award Recipients (2015), https://www.texasexes.org/awards/alumni-awards/distinguished-alumnus-award.

[40] *See id.*

[41] *See* U.S. Census Bureau, Texas: People QuickFacts (Aug. 31, 2015), http://quickfacts.census.gov/qfd/states/48000.html.

[42] *See* San Antonio Hispanic Chamber of Commerce, The Impact of Education on Economic Development in Texas 3 (2014), www.sahcc.org/wp-content/uploads/The-Impact-of-Education-on-Economic-Development-in-Texas.pdf.

[43] *Id.*

current UT students will live in a majority-Latino Texas within their lifetimes.

B. Latinos Remain Underrepresented in Leadership Posts

The individuals in leadership positions in the public and private sector do not reflect the burgeoning Latino population in Texas. The failure to incorporate fully the Latino population in all facets of Texas society – from the military[44] to the private sector, to government and the State's top universities – will impede the prosperity of the State as a whole. "[T]o cultivate a set of leaders with legitimacy in the eyes of the citizenry," positions of leadership must be visibly open to people of every race and ethnicity. *See Grutter*, 539 U.S. at 332.

1. Elected and Appointed Government Officials

Today, Latinos are underrepresented in statewide elected government. Even though Latino population growth was primarily responsible for Texas gaining four Congressional seats after the 2010 U.S. Census and the Latino population of the state exceeds 35%, only 15.8% (six of 38) of the members of Congress from Texas and just 23.2% (42 of 181) of the members

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[44] *See generally*, Brief for Military Leaders as *Amici Curiae* Supporting Resp. (arguing that military leadership must be diverse to protect national security).

of the Texas Legislature are Latino.[45] Not a single Texas Latina holds an elected statewide executive office or serves in the U.S. Congress.[46] By not preparing a critical mass of qualified Latinos, UT falls short of fulfilling its own educational mission. In addition, a diverse "training ground" benefits all future leaders, Latinos and non-Latinos alike. UT has acknowledged that future elected and appointed leaders must learn in a diverse environment so that they develop the skills to "communicate policy to a diverse electorate."[47]

2. Private Sector and Science, Technology, Engineering and Math Jobs

A diverse university setting is also necessary to acquire the skills that private sector employers need in their employees. *Grutter*, 539 U.S. at 330-31. U.S. businesses and Fortune 500 companies have made clear that "the skills required in today's increasingly

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[45] *See* U.S. Census Bureau, Texas: People QuickFacts (Aug. 31, 2015), http://quickfacts.census.gov/qfd/states/48000.html; Nat'l Assoc. of Latino Elected Officials (NALEO) Educational Fund, National Directory of Latino Elected Officials 14 (2015), https://d3n8a8pro7vhmx.cloudfront.net/naleo/pages/171/attachments/original/1440570181/2015_National_Directory_of_Latino_Elected_Officials.pdf?1440570181; *see also Perry v. Perez*, 132 S. Ct. 934, 939 (2012) (per curiam).

[46] *See* Latinas Represent, Latinas in Texas Elected Office (2014), https://www.latinasrepresent.org/wp/wp-content/uploads/2015/01/Texas_Latinas_Factsheets.pdf.

[47] *See* SJA 23a.

global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints." *See id.* Latinos are underrepresented in the very college classrooms that serve as a pipeline to private sector jobs – to the detriment of their non-Latino classmates and the U.S. business sector.

The lack of a critical mass of Latino students also has unsurprising consequences for the composition of the U.S. workforce. Latinos continue to occupy disproportionately fewer higher-wage and management positions in the private sector of the U.S. labor market. They comprise nearly a quarter of the service industry, but make up less than 10% of management, business, and financial operations roles.[48] Likewise, although Latinos constituted 16% of the U.S. population in 2010, they earned only 8% of all Science, Technology, Engineering and Math (STEM) certificates and degrees awarded between 2009 and 2010.[49]

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[48] *See* U.S. Bureau of Labor Statistics, Labor Force Statistics From the Current Population Survey, at Table 10 (2015), http://www.bls.gov/cps/cpsaat10.htm (calculated from numbers provided).

[49] *See* U.S. Dep't of Educ., White House Initiative on Education Excellence for Hispanics, Hispanics and STEM Education 1 (2014), http://sites.ed.gov/hispanic-initiative/files/2014/04/WHIEEH-STEM-Factsheet.pdf.

The nation's future economic prosperity is tied to its success in the STEM field – an area in which the availability of qualified U.S. college graduates falls short of the workforce demands necessary to help sustain the nation's economic competitive edge. Access to higher education for all people, especially the burgeoning Latino population, is critical to meeting the STEM shortage. For every qualified job applicant, there are two STEM job openings.[50] Researchers project 2.4 million vacancies in the STEM field between 2008 and 2018 – 65% of which will require a bachelor's or a graduate degree.[51]

Even though more Latinos express interest in STEM fields than any other racial or ethnic minority group, an insufficient number pursue STEM careers to meet current demand.[52] Once admitted into college, Latinos major in STEM fields at similar rates as Anglos.[53] Thus, the more Latinos have expanded access to college, the more opportunities will exist to

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[50] *See id.*

[51] *See* Anthony P. Carnevale et al., Georgetown Univ. Ctr. on Educ. and the Workforce, STEM 20-21 (2014), https://cew.georgetown.edu/wp-content/uploads/2014/11/stem-complete.pdf.

[52] *See* U.S. Dep't of Educ., White House Initiative on Education Excellence for Hispanics, Hispanics and STEM Education 1 (2014), http://sites.ed.gov/hispanic-initiative/files/2014/04/WHIEEH-STEM-Factsheet.pdf.

[53] *See id.*

pursue a STEM career. However, gaining admission into a university is only one hurdle.

Latinos majoring in STEM fields are less likely to graduate in those fields, in comparison to their Anglo counterparts.[54] Research studies point to a lack of mentoring as a significant barrier for Latino students, but shows that doctoral STEM students can play an important role in helping their younger counterparts persist as STEM majors.[55] Thus, a critical mass of Latino STEM graduates not only fills an immediate gap in the workforce but also helps produce more mentors to guide future generations of Latino STEM majors.

C. College Access Boosts Latino Civic Engagement

Education is the "foundation of good citizenship," essential to an engaged and informed civil society. *Grutter*, 539 U.S. at 331 (citing *Brown v. Bd. of Educ.*, 347 U.S. 483, 493 (1954)). Higher levels of educational attainment often translate to a heightened awareness of candidates, issues, and the voting process itself. They also result in higher voter participation. Individuals with a college degree vote at a higher rate

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[54] *See id.*

[55] *See generally, id.*

than those without one.[56] Nationally, only 34% of those with a high school diploma voted in 2014, compared to 53% of those with a college degree – a 19-point gap.[57]

Latinos currently graduate from college at much lower rates than their Anglo counterparts. Although 40.8% of Anglos age 25 to 29 in the United States have a bachelor's degree, only 15.1% of Latinos hold degrees in the same age group.[58] Thus, not surprisingly, Texas Latino voter registration lags Anglos by 20%.[59] Educational attainment and civic participation among Latinos become even more important as the State's electorate continues to become more Latino. Latinos now make up 23% of the State's registered voters.[60] Among Texas native-born children, 47% are Latino, and those children will become eligible to register to vote upon turning 18.[61] By ensuring meaningful

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[56] *See* U.S. Census Bureau, Voting and Registration in the Election of November 2014, at Table 5 (2014), http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2014/tables.html.

[57] *See id.*

[58] *See* Nat. Ctr. for Educ. Statistics, Digest of Education Statistics, at Table 104.20 (2014), https://nces.ed.gov/programs/digest/d14/tables/dt14_104.20.asp?current=yes.

[59] *See* U.S. Census Bureau, Voting and Registration in the Election of November 2014, at Table 4b (2014).

[60] *See id.*

[61] *See* U.S. Census Bureau, Table Viewer: Sex by Age by Nativity and Citizenship Status, 2014 American Community Survey 1-Year Estimates (2014), http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_B05003&prodType=table (limit geography to Texas); U.S. Census Bureau,

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college access, universities such as UT help shape the manner in which those new Latino voters participate in their democracy.

D. A Diverse Student Body Prepares All Students for Success in the 21st Century Economy

The educational benefits stemming from diversity lead to an accumulation of social and economic capital among Latinos and provide a boost to the Texas economy. A college degree is increasingly important to economic success in the 21st century economy. Individuals aged 25 to 32 with at least a bachelor's degree earn about $17,500 more per year than those with only a high school diploma.[62] They are more likely to have full-time employment (89% versus 82%) and are significantly less likely to be unemployed (3.8% versus 12.2%).[63] Higher levels of educational attainment also correlate with lower health care costs and other indicators of economic vitality

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Table Viewer: Sex by Age by Nativity and Citizenship Status (Hispanic or Latino), 2014 American Community Survey 1-Year Estimates (2014), http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_B05003I&prodType=table (limit geography to Texas).

[62] *See* Pew Research Ctr., The Rising Cost of Not Going to College (2014), http://www.pewsocialtrends.org/2014/02/11/the-rising-cost-of-not-going-to-college/.

[63] *See id.*

such as a larger tax base and a more productive workforce.[64]

Latinos bolster the economy with their purchasing power as the Latino population grows. From 1990 to 2013, the growth in buying power of Latinos was more than double (554.3%) that of all Americans (228.1%).[65] If it was its own country, the U.S. Latino market would be the twelfth largest economy in the world.[66]

The educational benefits of diversity also remain critical to Texas's economic future as it relates to trade with Mexico and Central and South America. Mexico is the top country for exports out of and imports into Texas.[67] Moreover, Central and South American countries are increasingly important trade partners to the United States.[68] Professionals (whether

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[64] *See id.*

[65] *See* Greater Austin Hispanic Chamber of Commerce, The Hispanic Market and Its "Buying Power"?, at 4 (2008), http://www.gahcc.org/fileadmin/files/Hispanic_Market_Its_Buying_Power.pdf.

[66] *See* Claudia Pardo & Charles Dreas, Nielsen, Three Things You Thought You Knew About U.S. Hispanic's Engagement with Media . . . and Why You May Have Been Wrong 1 (2011), http://www.nielsen.com/content/dam/corporate/us/en/newswire/uploads/2011/04/Nielsen-Hispanic-Media-US.pdf.

[67] Office of the Governor of Texas, Overview of the Texas Economy 5 (2015), http://gov.texas.gov/files/ecodev/texas-economic-overview.pdf.

[68] *See* U.S. Census Bureau, Trade in Goods with South and Central America (2015), https://www.census.gov/foreign-trade/balance/c0009.html (noting that the U.S. went from negative net

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non-Latino or Latino) who understand the culture, context, and needs of both Latin American and Texas businesses are better positioned to successfully navigate and connect those two communities.

IV. A CRITICAL MASS OF DIVERSITY LESSENS RACIAL ISOLATION

In her brief, Petitioner argues that UT has failed to demonstrate that it has not reached a critical mass of diversity.[9] The Court has already concluded that UT is entitled to deference to its determination that it has not yet reached a critical mass. *See Fisher*, 133 S. Ct. at 2419 ("[T]he District Court and Court of Appeals were correct in finding that *Grutter* calls for deference to the University's conclusion . . . that a diverse student body would serve its educational goals."). Even if UT was not entitled to deference, however, the racial isolation of Latinos is one indicator showing that UT has not yet reached a critical mass.

In a 2004 study, UT conducted a survey of students and determined that its minority students felt isolated in the high number of classrooms on campus that had only one minority student. *Fisher*, 133 S.Ct. at 2416. Through a statistical study of classroom demographics, UT determined that a

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exports of $37.26 billion to Central and South American countries in 2004 to positive net U.S. exports of $33.23 billion in 2014).

[9] *See* Pet. Br. 10.

substantial proportion of undergraduate classes contained one or zero underrepresented minority students.[70] Forty-three percent of classes with 5 to 24 students had one or zero Latino students.[71] UT students, in general, stated that there was insufficient diversity in the classroom.[72]

Additional incidents have left Latino students feeling isolated on campus. In 2013, for example, a student group announced a game of "catch an illegal immigrant." The purpose of the game was to "catch" volunteer "illegal immigrants" and win a $25 gift card.[73] The same year, a campus student group hosted an "Affirmative Action Bake Sale," which charged different prices depending on the buyer's race.[74] The group "priced" baked goods to Latino students at $1, half the price of baked goods for Anglos at $2. In 2015, a campus fraternity hosted a "border-patrol themed" party, where students wore "construction gear, ponchos, and sombreros," and wore name tags

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[70] SJA 26a.

[71] *Id.*

[72] *Id.*

[73] Eyder Peralta, *University of Texas Students Cancel "Catch an Illegal Immigrant Game,"* NPR, Nov. 19, 2013, http://www.npr.org/sections/thetwo-way/2013/11/19/246122143/university-of-texas-slams-catch-an-illegal-immigrant-game.

[74] Tyler Kingkade, *University of Texas Conservative Students Hold Affirmative Action Bake Sale*, The Huffington Post, Oct. 1, 2013, http://www.huffingtonpost.com/2013/10/01/affirmative-action-bakesale_n_4025362.html.

labeled "Jefe" and "Pablo Sanchez."[75] The event was only the most recent in a series of "fiesta-themed" parties hosted by UT campus fraternities and sororities, where students cross "obstacles" that represent the Texas-Mexico border, and wear "ponchos, sombreros, and fake mustaches."[76] The effects of obtaining an education in a "bubble" can lead to intolerance and create a hostile environment for underrepresented minorities.[77] Further, these types of repeated student activities foster stereotypes and further misunderstanding and animosity toward Latino students.

One of the identified benefits of diversity is the lessening of racial isolation. *Fisher*, 133 S. Ct. at 2418; *see also Grutter*, 539 U.S. at 318-19 (noting that for the University of Michigan Law School, critical mass was achieved when minority students could "participate in the classroom and not feel isolated or like spokespersons for their race"). A critical mass of underrepresented students, including Latino students, elevates learning for all by making discussion

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[75] Hannah Smothers, *A UT Fraternity Threw Another Racist Party*, Texas Monthly, Feb. 10, 2015, http://www.texasmonthly.com/the-daily-post/a-ut-fraternity-threw-another-racist-party/#sthash.

[76] Marisa Vasquez, *Fraternity Cancels Event After Being Accused of Bias*, The Daily Texan, Sept. 26, 2012, http://www.dailytexanonline.com/news/2012/09/26/fraternity-cancels-event-after-being-accused-of-biasudents guests; David Maly, *Mexican-themed Sorority Party Raises Concerns*, The Daily Texan, Sept. 25, 2012, http://www.dailytexanonline.com/news/2012/09/25/mexican-themed-sorority-party-raises-concerns.

[77] JA 257.

livelier, opening windows into new worlds, fostering a wider range of ideas, and heightening intellectual curiosity both inside and outside the classroom. When underrepresented students feel isolated or "like spokespersons for their race" inside the classroom, opportunities for those experiences are diminished. *See Grutter*, 539 U.S. at 319. Further, minority students are more likely to perceive that they are respected by their peers and to feel less institutional isolation when they have a meaningful on-campus presence. Because they are more visible, they are less likely to experience racial stigma.[78]

UT defined critical mass as "an adequate representation of minority students to assure educational benefits deriving from diversity," which provides an environment in which students "learn that there is not 'one' minority or majority view."[79] Attaining sufficient diversity would improve the campus climate for Latinos and non-Latinos and help UT achieve its educational goals.

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[78] *See* Elise Boddie, *Critical Mass and the Paradox of Colorblind Individualism in Equal Protection*, 17 U. Pa. J. Const. 781, 802 (2015) (citing William C. Kidder, *Misshaping the River: Proposition 209 and Lessons for the* Fisher *Case*, 39 J.C. & U.L. 53, 84 (2013)); Valerie Purdie-Vaughns et al., *Social Identity Contingencies: How Diversity Cues Signal Threat or Safety for African Americans in Mainstream Institutions*, 94 J. Personality & Soc. Psychol. 615, 621 (2008).

[79] SJA 25a.

CONCLUSION

The judgment below should be affirmed.

Respectfully submitted,

MARISA BONO (*Counsel of Record*)
CELINA MORENO
JOHN PAUL SALMON
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
110 Broadway, Ste. 300
San Antonio, TX 78205
(210) 224-5476
mbono@maldef.org

JUAN CARTAGENA
JOANNA ELISE CUEVAS INGRAM
LATINOJUSTICE PRLDEF
99 Hudson Street, 14th Floor
New York, NY 10013
(212) 219-3360

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APPENDIX: LIST AND DESCRIPTION OF *AMICI CURIAE*

University Leadership Initiative (ULI)

The University Leadership Initiative (ULI) is an organization of students and alumni of the University of Texas at Austin. ULI's membership includes Latino students and is dedicated to harnessing the talents, abilities and determination of youth – particularly college students – to effect long-term change in a proactive manner. Educational equity is a priority for members of ULI who believe that people from all backgrounds should have access to a quality education.

ASPIRA

ASPIRA is the only national organization dedicated exclusively to the education of Latino youth. Its mission is to promote the development of the Latino community through advocacy and the education and leadership development of its youth. ASPIRA has ASPIRA Associates and Affiliates in seven states (Delaware, Illinois, Florida, Massachusetts, New Jersey, New York, Pennsylvania) and Puerto Rico, as well as formal partnerships with over 30 regional and local organizations across the country. Founded in 1961, ASPIRA serves over 45,000 students each year in after-school academic enrichment, tutoring, mentoring, career and college counseling, SAT/ACT Prep, and leadership development programs geared at reducing the exceedingly high Latino drop-out rate and motivating and assisting students to enter higher

education. It also reaches over 5,000 parents and young adults with a host of programs, including GED, parental engagement, and financial literacy programs. Through its signature program, the ASPIRA Leadership Development Clubs, ASPIRA reaches young Latinos in over 200 high schools in low-income inner-city schools in 76 communities around the country. ASPIRA operates thirteen charter schools in Delaware, Florida, Illinois, and Pennsylvania with over 10,000 elementary, middle, and high school students. Over 95% of Aspirantes (ASPIRA youth) complete high school and 90% go on to college, and it has an alumni base of over 500,000 Latinos.

For People of Color, Inc. (FPOC)

For People of Color, Inc. (FPOC) assists law school applicants of color in gaining admission to the country's elite law schools.

Hispanic Association of Colleges & Universities (HACU)

HACU's mission is to champion Hispanic success in higher education. HACU fulfills its mission by: promoting the development of member colleges and universities; improving access to and the quality of post-secondary educational opportunities for Hispanic students; and meeting the needs of business, industry and government through the development and sharing of resources, information and expertise.

Hispanic Federation (HF)

Hispanic Federation (HF) is a nonprofit membership organization that works to empower and advance the Hispanic community through public policy advocacy, leadership development and community revitalization projects. HF provides grants to a broad network of Latino nonprofit agencies serving the most vulnerable members of the Hispanic community and advocates nationally with respect to the vital issues of education, health, immigration, economic empowerment, civic engagement, and the environment. HF's work flows out of the basic belief that education is fundamental to the progress of any community. To address the existing disparities in Latino school readiness and achievement, HF carries out a dual approach of advocacy and programming that directly impact educational outcomes and influence the educational system at different levels.

Labor Council for Latin American Advancement (LCLAA)

The Labor Council for Latin American Advancement (LCLAA) is a national organization representing the interests of approximately 2.2 million Latino trade unionists in the United States and Puerto Rico. Founded in 1973, LCLAA builds coalitions between the Latino community and Unions in order to advance the civil, economic and human rights of all Latinos.

LatinoJustice PRLDEF

LatinoJustice PRLDEF (formerly known as the Puerto Rican Legal Defense and Education Fund) was founded in New York City in 1972. Its continuing mission is to protect the civil rights of all Latinos and to promote justice for the pan-Latino community, especially across the Eastern United States. In its first lawsuit, *Aspira v. New York City Board of Education*, LatinoJustice PRLDEF helped establish bilingual education in New York, and it has since combatted the forced segregation of Latino children in Connecticut, Delaware, Pennsylvania and Massachusetts. In addition to creating pathways for success for Spanish speaking children in public schools, it has thirty years of experience of increasing the cadre of Latino/a law students and attorneys in the country with pre-law counseling, LSAT test preparation, and mentoring efforts.

League of United Latin American Citizens (LULAC)

The League of United Latin American Citizens is the largest and oldest Hispanic membership organization in the United States. With over 132,000 members in virtually every state of the nation, LULAC advances the economic condition, educational attainment, political influence, health, and civil rights of Hispanic Americans. For more than 83 years, LULAC's members have sought increased opportunities in higher education for Hispanic students through the desegregation of public schools, reaching parity in school

funding, the provision of scholarships, educational counseling, and strong affirmative action programs.

MANA

MANA, a National Latina Organization, is a non-profit advocacy organization established in 1974 whose mission is to empower Latinas through leadership development, community service, and advocacy. MANA fulfills its mission through programs designed to develop the leadership skills of Latinas, promote community service by Latinas, and provide Latinas with advocacy opportunities.

Mexican American Bar Association (MABA)

The Mexican American Bar Association is one of the most prominent and largest Latino bar associations in the nation. Members include attorneys, judges, elected officials, law school students and business people of many ethnic backgrounds. MABA supports higher education and diversity in the legal community, and its members provide support, educational assistance, charity and fund-raising to further Latino causes.

Mexican American Legal Defense and Educational Fund (MALDEF)

The Mexican American Legal Defense and Educational Fund (MALDEF) is a national civil rights organization established in 1968. Its principal objective is to secure, through legislation, advocacy, and

education, the civil rights of Latinos living in the United States.

Mexican-American School Board Members Association (MASBA)

MASBA is committed to helping school board members come together to find solutions and discuss legislative and current affairs as they relate to education and the Mexican-American culture. Texas school districts are experiencing an unprecedented growth and in many cases lack the understanding and resources associated with ensuring the most appropriate and effective curriculum implementation, as it directly relates to the Mexican-American culture. MASBA honors the legacy of 40 years of historic growth and stands united with all Texas school districts to provide leadership, vision and support for a growing number of school board members that represent school districts with demographic profiles represented by a large number of Mexican-American students.

Mi Familia Vota

Mi Familia Vota is a national non-profit organization that unites Latino, immigrant, and allied communities to promote social and economic justice through increased civic participation by promoting citizenship, voter registration, and voter participation. Mi Familia Vota is one of the premiere Latino civic engagement organizations in the country with operations in Arizona, California, Colorado, Florida, Nevada, and Texas.

Across the nation, and particularly in Texas, Latino civic participation lags behind that of other ethnic groups. While there are several variables that account for this, one of them is the lack of qualified Latino candidates running for office that are proven to incentivize the community to vote. Including race as a factor in admissions has improved the proportion of Latinos attending quality higher education, which in turn increases the potential pool of quality future candidates for public office. Given the numerous comparative educational disadvantages that the Latino community in Texas and other states in the nation face, including the disproportionate percentage of students living in poverty, it is indispensable to have policies that mitigate these disadvantages and allow Latino students to reach quality higher education.

National Association of Latino Elected and Appointed Officials Educational Fund (NALEO)

NALEO Educational Fund is the leading nonprofit organization that facilitates full Latino participation in the American political process, from citizenship to public service. Its constituents include more than 6,000 Latino elected and appointed officials nationwide who serve at every level of government, including positions with local and state education jurisdictions; counties, municipalities and special districts; state governance bodies; and the U.S. Congress. The NALEO Educational Fund is committed to strengthening the vitality and responsiveness of our

democracy by ensuring that all of our nation's residents can become active contributors to our civic life.

National Council of La Raza (NCLR)

The National Council of La Raza (NCLR) – the largest national Hispanic civil rights and advocacy organization in the United States – works to improve opportunities for Hispanic Americans. Through its network of nearly 300 affiliated community-based organizations (CBOs), NCLR reaches millions of Hispanics each year in 41 states, Puerto Rico, and the District of Columbia. NCLR works through two primary, complementary approaches: (1) Capacity-building assistance to support and strengthen Hispanic CBOs – especially those that serve low-income and disadvantaged Latinos; and (2) applied research, policy analysis, and advocacy to encourage adoption of programs and policies that equitably serve Hispanics.

National Hispanic Health Foundation (NHHF)

The National Hispanic Health Foundation is the philanthropic arm for the National Hispanic Medical Association. The NHHF's mission is to improve the health of Hispanics and other underserved groups through research, education and charitable activities and is guided by a distinguished board of nationally recognized leaders in healthcare.

National Hispanic Media Coalition (NHMC)
The National Hispanic Media Coalition is a non-partisan, non-profit, media advocacy and civil rights organization established in 1986 in Los Angeles, California. Its mission is to improve the image of American Latinos as portrayed by the media, increase the number of American Latinos employed in all facets of the media and telecommunications industries, and advocate for media and telecommunication policies that benefit Latinos and other people of color. For Latinos, being afforded access to a quality education is the first step towards meaningful participation in these industries. ~~Voluntary affirmative action programs are an effective way to facilitate this education, and, thus, NHMC has a strong interest in the outcome of this case~~.

National Hispanic Medical Association (NHMA)
The National Hispanic Medical Association is a non-profit association representing the interests of 50,000 licensed Hispanic physicians in the United States. The mission of the organization is to empower Hispanic physicians to lead efforts to improve the health of Hispanic and other underserved populations in collaboration with Hispanic state medical societies, residents, and medical students, and other public and private sector partners.

National Latina Institute for Reproductive Health (NLIRH)
NLIRH works to ensure the fundamental human right to reproductive health and justice for Latinas, their families and their communities through public education, community mobilization, and policy advocacy.

National Puerto Rican Coalition, Inc. (NPRC)
NPRC is a national non-profit organization representing the interests of over 8 million Puerto Rican U.S. citizens on the mainland and in Puerto Rico. NPRC's mission is to systematically strengthen and enhance the social, political, and economic well-being of Puerto Ricans throughout the United States and in Puerto Rico, with a special focus on the most vulnerable.

SER-Jobs for Progress National Inc.
SER (Service, Employment, and Redevelopment) is a national network of Community Based Organizations that formulates and advocates initiatives resulting in the increased development and utilization of America's human resources, with special emphasis on the needs of Hispanics, in the areas of education, training, employment, business and economic opportunity. SER National aims to develop the capacity of the SER network through the provision of technical assistance, research and planning, program and policy development, and fundraising. SER believes it is imperative that students have a clear path to access all institutions of higher education and universities

and believe that changes to the current UT admissions policy would obstruct access for underrepresented groups.

Texas Association for Bilingual Education (TABE)

Through a balanced program of research, professional development, and public education, TABE pursues the implementation of educational policies and effective bilingual-bicultural programs that promote equal educational opportunity and academic excellence for Bilingual/ESL students. Central to our collective future is the recognition that an equal education for all students is an inalienable right, and that equal access to primary, secondary and higher education is essential to that right.

Texas Association of Chicanos in Higher Education (TACHE)

TACHE is an association whose mission is to provide educational and employment opportunities to Hispanics in higher education. TACHE believes that consideration of race as a factor in admissions to the University of Texas at Austin, along with the Top Ten Percent law, will ensure that the University of Texas at Austin has a diverse student body that will reflect the diversity of Texas and bring a diversity of thought and experiences to all students who attend.

The Texas Association of Mexican American Chambers of Commerce (TAMACC)

TAMACC promotes the growth, development and success of local Hispanic chambers of commerce and serves as the leading advocate of Hispanic business in Texas. TAMACC has a base membership of over 15,000 and is the leading Hispanic business advocate since 1975 of over 600,000 businesses in Texas.

Texas Hispanic Organized for Political Education (Texas HOPE)

Texas Hope is a non-profit, non-partisan statewide organization whose mission is to educate the Hispanic community on the effects of legislation and proposed legislation in order to serve the Hispanic community as an effective legislative strike-force on important issues. The experience of university campus diversity is necessary to the future well-being of Texas, where Hispanics will play a growing part of all aspects of state politics.